

### REMARKS

This is in response to the Office Action mailed on December 16, 2003, and the references cited therewith.

Claims 17, 22, 26, 31, 33, 34, 35 and 41 are amended. Claims 17-19, 22, 23, 25-27, 29, 31-50 are now pending in this application.

#### *Prosecution background*

September 17, 2003, Applicant filed an RCE.

October 9, 2003, Applicant filed a preliminary amendment.

October 14, 2003, Applicant received a return postcard from the USPTO indicating that the preliminary amendment filed on October 9, 2003 was received by the USPTO.

December 24, 2003, Applicant received an Office Action (mailed December 16, 2003). The Office Action responded only to the RCE filed on September 17, 2003. The Office Action did not respond to the preliminary amendment filed on October 9, 2003.

#### *Interview Summary*

On February 23, 2004, because the Office Action did not respond to the preliminary amendment filed on October 9, 2003, Applicant's representative called the Examiner to request for consideration of the preliminary amendment. However, the Examiner informed Applicant's representative that the Examiner's docket does not show the preliminary amendment. Applicant indicated to the Examiner that, to avoid the next Office Action being a final Office Action and to expedite the prosecution of the application, Applicant will send a copy of the preliminary amendment filed on October 9, 2003 together with the present response to the Office Action mailed December 16, 2003. In the telephone conversation, Applicant's representative also invited the Examiner to call Applicant's representative to discuss the status of the pending claims before the Examiner issues the next Office Action.

*Copy of the preliminary amendment filed on October 9, 2003*

Applicant has included in this amendment and response a separate copy of the preliminary amendment file on October 9, 2003.

For ease of reviewing the content of the current pending claims, Applicant has repeated (in this amendment and response) the amendment to the claims from the preliminary amendment filed on October 9, 2003.

*Objection to the Drawings*

Applicant respectfully points out that FIG. 1 shows the features of claims 17. Therefore, Applicant requests that the objection be reconsidered and withdrawn.

*§112 Rejection of the Claims*

Claims 17-19, 31-32, 37, 46 and 48 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant respectfully points out that claims 17-19, 31-32, 37, 46 and 48 are supported by the specification, for example, the description of FIG. 1 supports claims 17-19, 31-32, 37, 46 and 48. Accordingly, Applicant requests that the rejection be reconsidered and withdrawn.

*§103 Rejection of the Claims*

Claims 17-19, 22-25, 31-34, 37-39, 41-46 and 48-49 were rejected under 35 USC § 103(a) as being unpatentable over Itoh (U.S. 4,920,389) in view of Kanetaki et al. (U.S. 4,906,590).

In view of the amendment to the claims, Applicant believes that claims 17-19, 22-25, 31-34, 37-39, 41-46 and 48-49 are distinguishable from Itoh in view of Kanetaki et al and that these claims are patentable over Itoh in view of Kanetaki et al. Accordingly, Applicant requests that the rejection of claims 17-19, 22-25, 31-34, 37-39, 41-46 and 48-49 be reconsidered and withdrawn and that these claims be allowed.

Claims 26-27, 29, 35-36, 40, 47 and 50 were rejected under 35 USC § 103(a) as being unpatentable over Itoh in view of Kanetaki et al. as applied to claims 17-19, 22-25, 31-34, 37-39, 41-46 and 48-49, and further in view of Wahlstrom (U.S. 5,396,452).

In view of the amendment to the claims, Applicant believes that claims 26-27, 29, 35-36, 40, 47 and 50 are distinguishable from Itoh in view of Kanetaki et al. and Wahlstrom and that these claims are patentable over Itoh in view of Kanetaki et al. and Wahlstrom. Accordingly, Applicant requests that the rejection of claims 26-27, 29, 35-36, 40, 47 and 50 be reconsidered and withdrawn and that these claims be allowed.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6969 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LEONARD FORBES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6969

Date 3/16/04

By 

Viet V. Tong  
Reg. No. 45,416

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of March, 2004.

Name

Amy Moriarty

Signature

